

SENATE BILL NO. 641

BY SENATORS MORRELL AND HEBERT AND REPRESENTATIVE LEGER

1 AN ACT

2 To enact 33:41, relative to a local government authority; to provide that certain contracts are
3 void and unenforceable; to impose a duty upon the local government authority; to
4 provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:41 is hereby enacted to read as follows:

7 **§41. Illegal contracts**

8 **A. Any contract awarded or executed, or purchase made in violation of**
9 **R.S. 14:118 (public bribery), and where a conviction has been obtained, shall be**
10 **null and void and shall not be enforced in the courts of this state. However, in**
11 **instances where the contract or purchase agreement encompasses a service or**
12 **commodity that is of a vital need to or for the public, a court may allow a**
13 **limited transition period to enable the local government authority to secure an**
14 **alternative source for the service or commodity.**

15 **B.(1) Pursuant to Subsection A, the local government authority that is**
16 **a party to the contract or purchase agreement shall apply, in its name, through**
17 **an attorney of its choosing, to a court of competent jurisdiction for an order or**
18 **injunction to restrain the misapplication of funds or the execution or**
19 **performance of any contract or purchase order made on its behalf in**
20 **contravention of law, or which was procured by fraud or corruption.**

21 **(2) In the event the attorney chosen by the local government authority**
22 **fails to apply for the order or injunction required by Paragraph (B)(1) of this**
23 **Section, within ninety days following a conviction, the district attorney shall**
24 **apply for such order or injunction on behalf of the local government authority.**

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____